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PROCEEDINGS

NATIONAL ADVISORY BOARD COUNCIL

October 3 - 5, 1971

Boise, Idaho



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UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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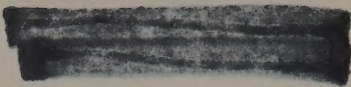
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CONTENTS

| | <u>Page</u> |
|--|-------------|
| General Statement | 1 |
| Proceedings, October 3 | 1 |
| Proceedings, Morning, October 4 | 1 |
| Proceedings, Afternoon, October 4 | 2 |
| Proceedings, Morning, October 5 | 2 |
| Proceedings, Afternoon, October 5 | 2 |
| Certification | 3 |
| Call to Meet Appendix No. | 1 |
| Designation of Cochairman Appendix No. | 2 |
| Attendance Appendix No. | 3 |
| Roster of Membership Appendix No. | 4 |
| Welcome to Boise Appendix No. | 5 |
| New Federalism and the Public Lands Appendix No. | 6 |
| On the Threshold Appendix No. | 7 |
| Status of Recommendations, Yuma Appendix No. | 8 |
| Council Procedures and Guidelines Appendix No. | 9 |
| What the Mining Industry Needs in a Mining Law Appendix No. | 10 |
| What the General Public Needs in a Mining Law Appendix No. | 11 |
| Minutes of the Committee on Composition Appendix No. | 12 |
| Committee Assignments Appendix No. | 13 |
| Recommendations of the National Advisory Board Council Appendix No. | 14 |



CONTENTS

Page

| | |
|---|----|
| General Statement | 1 |
| Proceedings, October 1 | 1 |
| Proceedings, Morning, October 4 | 1 |
| Proceedings, Afternoon, October 4 | 2 |
| Proceedings, Morning, October 5 | 2 |
| Proceedings, Afternoon, October 5 | 2 |
| Declaration | 3 |
| Call to Meet | 1 |
| Assignment of Lecturers | 2 |
| Attendance | 3 |
| Report of Membership | 4 |
| Relation to State | 5 |
| New Federalism and the Public Lands | 6 |
| On the Threshold | 7 |
| Status of Recommendations, Year | 8 |
| Council Proceedings and Guidelines | 9 |
| What the Nation Really Needs in a Willing Law | 10 |
| What the General Public Needs in a Willing Law | 11 |
| Changes in the Committee on Composition | 12 |
| Committee Assignments | 13 |
| Recommendations of the National Advisory Board Council | 14 |

PROCEEDINGS OF THE NATIONAL ADVISORY BOARD COUNCIL

Boise, Idaho

October 3 through October 5, 1971

Pursuant to the call to meet issued by the Acting Secretary of the Interior on August 9, 1971 (see Appendix No. 1) the National Advisory Board Council for public lands met at Boise, Idaho, during the period October 3 through October 5, 1971. All formal sessions were held at the Owyhee Hotel. The meeting was conducted by Gene J. Etchart, Chairman, and Burton W. Silcock, Cochairman (see Appendix No. 2 for designation of cochairman).

Those in official attendance at all or some of the sessions are listed in Appendix No. 3. For convenience of reference a roster of Council members at the time of this meeting appears as Appendix No. 4.

Proceedings, Sunday, October 3

Council members assembled at the Owyhee Hotel at 8:30 a.m. Clair M. Whitlock, Idaho Associate State Director, Bureau of Land Management presented the background and general description of the Bureau's planning system. Then Richard L. Thompson, Manager, Boise District Office, Bureau of Land Management, described how the planning system was being applied on the Boise Front. The presentation demonstrated interagency cooperation taking place and prepared Council members for the tour which was to follow.

Members, staff, and guests departed Boise by bus at 10:30 a.m. On location, cooperators described various uses and participants observed multiple use planning. After a lunch of firefighter rations, the group witnessed dramatic simulated air drops and air fire fighting techniques, particularly a food drop, a fire retardant (slurry) drop, and a helicopter tactical fire team, demonstrated by the Bureau's Boise Interagency Fire Center.

Proceedings, Monday morning, October 4.

Chairman Etchart convened the first general session at 8:20 a.m., Monday, October 4. The Honorable Jay Amyx, Mayor of Boise, welcomed the Council to his city; the Mayor's message appears as Appendix No. 5. Next, Chairman Etchart introduced new Council members and guests, and called on other members to introduce themselves. Then, Harrison Loesch, Assistant Secretary of the Interior for Public Land Management, addressed the Council on new federalism and the public lands; the prepared text of Mr. Loesch's address appears as Appendix No. 6. Following this, Burton W. Silcock, Director, Bureau of Land Management spoke to the Council; the text of Mr. Silcock's remarks is included

as Appendix No. 7. Next, Irving Senzel, Assistant Director, Legislation and Plans reported briefly on two topics: first, recommendations adopted by the Council at Yuma, Arizona, and, second, procedures and guidelines for the Council; Mr. Senzel's reports appear as Appendix No. 8 and Appendix No. 9.

After a brief recess, Mr. A. J. Teske, Secretary, Idaho Mining Association and Mr. Bruce Bowler, Attorney-at-Law, both of Boise, presented a panel discussion on the mining laws. Mr. Teske's statement appears as Appendix No. 10 and Mr. Bowler's as Appendix No. 11. A question and answer period followed the presentations.

Proceedings, Monday afternoon, October 4.

After lunch, Brunel Christensen, Council member from California and Chairman of the Composition Committee, spoke briefly on the history of the Council, then presented the Committee's report containing a proposal for the restructuring of the Council. The report of the Committee appears as Appendix No. 12. During the discussion which followed, some alternatives were presented.

Then, the general session recessed and the five standing committees met for the balance of the afternoon. A committee membership roster is included as Appendix No. 13.

Proceedings, Tuesday morning, October 5.

Beginning at 8:30 a.m., under the direction of Vice Chairman Clarence H. Quinlan, the Chairman of the Council's five standing committees presented the committee reports in the following order: Harlan H. Wendt, Resource Management Committee, Theodore R. Conn, Environmental Protection Committee, Henry C. Gerber, Public Land Users Committee, J. Robb Brady, Information and Education Committee, and Eldon P. Harvey, Intergovernmental Affairs Committee. Committee reports are omitted from these proceedings since, for the most part, they consist of recommendations which were at this time adopted and which are included as Items No. 1 through No. 22, Appendix No. 14.

Proceedings, Tuesday afternoon, October 5.

After lunch, the Council met in executive session and resumed discussion on alternatives for restructuring the Council. No plan was adopted; rather, the Council voted to take definitive action at its next meeting tentatively scheduled for March 1972. The full text of the motion adopted appears as Item No. 21, Appendix No. 14.

Whereupon, the meeting adjourned.



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Appendix No. 1

I certify that I attended the proceedings of the National Advisory Board Council herein reported and that this report is an accurate summary of the matters discussed and the conclusions reached. The detailed records of this meeting are on file in the Office of the Director, Bureau of Land Management, Washington, D. C., 20240.

Memorandum

12/23/71
(Date)

To: Members, National Advisory Board Council

Secretary of the Interior

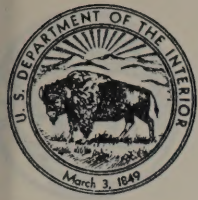
Subject: Call to Meet, National

Burton W. Silcock
Cochairman and Director,
Bureau of Land Management

To review, consider, and advise on programs for the management of public land resources, the National Advisory Board Council is called to meet at Eagle, Idaho on October 3 through 5, 1971. Your attendance is requested.

The Director, Bureau of Land Management, will provide further details as plans develop.

Mitchell Wallach



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Appendix No. 1

August 9, 1971

Memorandum

To: Members, National Advisory Board Council

From: Secretary of the Interior

Subject: Call to Meet, National Advisory Board Council

To review, consider, and advise on programs for the management of public land resources, the National Advisory Board Council is called to meet at Bosie, Idaho on October 3 through 5, 1971. Your attendance is requested.

The Director, Bureau of Land Management, will provide further details as plans develop.

Mitchell Melich



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

August 9, 1971

Memorandum

To: Director, Bureau of Land Management

From: Secretary of the Interior

Subject: Designation of Co-chairman, National Advisory Board Council

Pursuant to the regulations of the Department of the Interior set forth in 43 CFR 4114.3-1, the Director, Bureau of Land Management, or his designee, is designated as the Co-chairman of the National advisory Board Council for its meeting to be held in Boise, Idaho, beginning on or about October 3, 1971.

Mitchell Melich

Attendance

In attendance at all or some of the sessions of the meeting of the National Advisory Board Council at Boise, Idaho, on October 3-5, 1971, were:

National Advisory Board Council Members:

L. Robert Anderson, Utah, public land law
 Robert C. Baum, Oregon, soil & water conservation
 J. Robb Brady, Idaho, public information media
 Fred Brailsford, Idaho, sheep
 Brunel Christensen, California, cattle
 V. P. Cline, Colorado, oil & gas
 Theodore R. Conn, Oregon, wildlife
 Murray M. Doyle, California, wildlife
 Gene J. Etchart, Montana, cattle
 Carl A. Gaensslen, Wyoming, wildlife
 Kumen S. Gardner, Utah, cattle
 Paul Gemmill, Nevada, mining
 Henry C. Gerber, Oregon, cattle
 Fred A. Gross, New Mexico, wildlife
 Eldon P. Harvey, New Mexico, cattle
 Swend R. Holland, Montana, sheep
 Leonard Horn, Colorado, cattle
 Leonard Hoskins, Nevada, wildlife
 Newell A. Johnson, Utah, sheep
 Donald Kortess, Wyoming, cattle
 Harold D. Kreft, Arizona, real estate development
 Ted Lee, Arizona, cattle
 Francis A. Le Sourd, Washington, state-wide
 John J. Levy, Arizona, wildlife
 Robert C. Lynam, Montana, wildlife
 Herman J. McDevitt, Idaho, wildlife
 Lyman Merkley, Utah, wildlife
 Gareth C. Moon, Montana, forestry
 Rolland K. Patrick, Idaho, cattle
 John I. Philp, Wyoming, sheep
 Clarence H. Quinlan, New Mexico, sheep
 Lloyd Rea, Oregon, county government
 Gerhard N. Rostvold, California, urban-suburban affairs
 Loyd Sorenson, Nevada, sheep
 Nick Theos, Colorado, sheep
 Mark M. Wagner, Colorado, wildlife
 C. E. Webster, Wyoming, business
 Harlan H. Wendt, Oregon, sheep
 Jack Wilbur, Alaska, statewide
 Roy Young, Nevada, cattle

Department of the Interior:

Office of the Secretary:

Harrison Loesch, Assistant Secretary for Public Land
Management

Curt Berklund, Staff Assistant to the Assistant Secretary

Bureau of Land Management:

Burton W. Silcock, Director
Irving Senzil, Assistant Director, Legislation & Plans
Dale R. Andrus, Acting Assistant Director, Resources
John Mattoon, Chief, Office of Information
George D. Lea, Jr., Chief, Division of Range
Jerry A. O'Callaghan, Chief, Division of Cooperative
Relations
Lee M. Laitala, Cooperative Relations Specialist
Harold K. Johnson, Cooperative Relations Specialist
Garth H. Rudd, Director, Denver Service Center
Edward G. Byglund, Director, Portland Service Center
Jack F. Wilson, Director, Boise Interagency Fire Center
Curtis V. McVee, State Director, Alaska
Joe T. Fallini, State Director, Arizona
J. Russell Penny, State Director, California
Edgar I. Rowland, State Director, Colorado
William L. Mathews, State Director, Idaho
Edwin Zaidlicz, State Director, Montana
Nolan F. Keil, State Director, Nevada
W. J. Anderson, State Director, New Mexico
Archie D. Craft, State Director, Oregon
William G. Leavell, Associate State Director, Utah
Daniel P. Baker, State Director, Wyoming
Clair M. Whitlock, Associate State Director, Idaho
Richard L. Thompson, District Manager, Boise, Idaho

and others from the staffs of the Bureau's Idaho State Office and
the Boise District Office.

Others in official attendance:

Jay Amyx, Mayor of Boise
Bruce Bowler, Attorney at law
Al J. Teske, Executive Secretary, Idaho Mining Association

MEMBERS, NATIONAL ADVISORY BOARD COUNCIL, 1971
(Revised August 16, 1971)

| <u>Name & Address</u> | <u>State</u> | <u>Interest</u> |
|---|--------------|-----------------|
| L. Robert Anderson P.O. Box 1057 Monticello, Utah 84535 | Utah | Other |
| Robert C. Baum Bank of California Towers Room 824 707 S.W. Washington Street Portland, Oregon 97205 | Oregon | Other |
| J. Robb Brady Route 3, Sunnyside Road Idaho Falls, Idaho 83401 | Idaho | Other |
| Fred Brailsford Buhl, Idaho 83316 | Idaho | Livestock |
| Brunel Chirstensen Likely, California 96116 | California | Livestock |
| V. P. Cline Chevron Oil Company 1700 Braodway P.O. Box 599 Denver, Colorado 80201 | Colorado | Other |
| Theodore R. Conn 621 North 1st Street Lakeview, Oregon 97630 | Oregon | Wildlife |
| Murray Doyle 225 North Roop Street Susanville, California 96130 | California | Wildlife |
| Fermin M. Echeverria 520 East Greenway Road Phoenix, Arizona 86401 | Arizona | Livestock |
| Gene J. Etchart Box 429 Glasgow, Montana 59230 | Montana | Livestock |

Appendix No. 4
(cont.)

| <u>Name & Address</u> | <u>State</u> | <u>Interest</u> |
|---|--------------|-----------------|
| Robert L. Flournoy Likely, California 96116 | California | Livestock |
| Carl A. Gaensslen 290 Sunset Drive Green River, Wyoming | Wyoming | Wildlife |
| Kumen S. Gardner 292 South 700 West Cedar City, Utah 84720 | Utah | Livestock |
| Paul Gemmill P.O. Box 2498 Reno, Nevada 89505 | Nevada | Other |
| Henry C. Gerber 329 High Street Klamath Falls, Oregon 97601 | Oregon | Livestock |
| Fred A. Gross 2916 Chama, NE Albuquerque, New Mexico 87110 | New Mexico | Wildlife |
| Eldon P. Harvey El Paso National Bank Box 140 El Paso, Texas 79910 | New Mexico | Livestock |
| Swend R. Holland, Jr. Gilt Edge Route Lewistown, Montana 59457 | Montana | Livestock |
| Leonard Horn Wolcott, Colorado 81655 | Colorado | Livestock |
| Leonard Hoskins P.O. Box 1087 Elko, Nevada 89801 | Nevada | Wildlife |
| Newell A. Johnson 4501 North Canyon Road Provo, Utah 84601 | Utah | Livestock |
| Donald Kortess Leo Route Hanna, Wyoming 82327 | Wyoming | Livestock |

| <u>Name & Address</u> | <u>State</u> | <u>Interest</u> |
|---|--------------|-----------------|
| Harold D. Kreft 2702 Ricca Drive Kingman, Arizona 86401 | Arizona | Other |
| Ted Lee Thatcher, Arizona 85552 | Arizona | Livestock |
| Francis A. LeSourd 1300 Northern Life Tower Seattle, Washington 98101 | Washington | Statewide |
| John James Levy Route 9, Box 90 Tucson, Arizona 85705 | Arizona | Wildlife |
| Robert C. Lynam 501 Palmer Miles City, Montana 59301 | Montana | Wildlife |
| Herman J. McDevitt Box 1664 Pocatello, Idaho 83201 | Idaho | Wildlife |
| Lyman Merkley 220 West 5th South Vernal, Utah 84078 | Utah | Wildlife |
| Gareth C. Moon 2705 Spurgin Road Missoula, Montana 59801 | Montana | Other |
| Rolland K. Patrick Castleford, Idaho 83321 | Idaho | Livestock |
| John I. Philp Box 146 Lysite, Wyoming 82642 | Wyoming | Livestock |
| Clarence H. Quinlan Antonito, Colorado 81120 | New Mexico | Livestock |
| Lloyd Rea Baker County Courthouse Baker, Oregon 97814 | Oregon | Other |

Appendix No. 4
(cont.)

| <u>Name & Address</u> | <u>State</u> | <u>Interest</u> |
|--|--------------|-----------------|
| Gerhard N. Rostvold 1045 Yale Avenue Claremont, California 91711 | California | Other |
| Loyd Sorenson 591 13th Street Elko, Nevada 89430 | Nevada | Livestock |
| Nick Theos Box 386 Meeker, Colorado | Colorado | Livestock |
| Mark M. Wagner 2871 Sharon Place Grand Junction, Colorado 81501 | Colorado | Wildlife |
| C. E. Webster 1334 Sunset Boulevard Cody, Wyoming 82414 | Wyoming | Other |
| Harland H. Wendt Bridgeport, Oregon 97819 | Oregon | Livestock |
| Jack Wilbur 1013 Gilmore Street Fairbanks, Alaska 99701 | Alaska | Statewide |
| Roy Young P.O. Box 588 Elko, Nevada 89801 | Nevada | Livestock |

WELCOME TO BOISE

Welcome message of the Honorable Jay Amyx, Mayor of Boise, to the National Advisory Board Council, Boise, Idaho, October 4, 1971.

Thank you Gene, Mr. Silcock, and Mr. Secretary, and gentlemen:

It is a pleasure to come and say hello to you this bright and early Monday morning. I see all of you are awake and bright and cheery, so evidently the City has done you well for the night, and I don't want to ask any questions on that point.

It is a pleasure to have you meeting here, and I am sure that you have seen much of the city already.

If we wanted to take a little bit of time this morning, we could sit down and compare notes on some of the problems you are dealing with; they are the same problems that we are dealing with as an administration of the City of Boise.

We are growing very fast in Boise. In the last two or two and a half years there has been a very rapid growth pattern. You can see the results of this growth not many blocks from here. The Boise-Cascade world headquarters building covers the entire block, and they will have a couple of more blocks in their complex.

The Morrison-Knudson Construction Company, another old time Boise business, has also completed their new world headquarters building here.

Most of this building has been taken over by the Ore-Ida Foods, which was purchased by the Heinz Corporation. We have the Simplot Company headquarters here, and Albertson's Food Chain.

This gives you a little bit of a pattern of what type of industry we have in the city; mostly corporate headquarters with their top echelon personnel.

Consequently, we have had a lot of expertise to help us in various things. I notice that one of the things you looked at yesterday is land use planning.

It was real interesting to set in on a briefing not long ago of some joint activities of those who are working with our Boise front watershed, and to look at the land use planning they have been doing. We also, of course, in our city planning have been

doing a lot of land use planning, and trying to keep up with the needs.

Some of the things we are doing that you might be interested in -- at the east of the city for those of you who are golfers we are building a municipal golf course. For some reason the City of Boise through the years had not built or become owners of any kind of a municipal course. This is the first municipal course in the City of Boise. We have three other courses, but in our recreational program we found a very big shortage. So at the east end of the city we are building our first municipal course.

Tied to that we are purchasing or taking recreational easements -- most places purchasing the property -- on both sides of the Boise River, and tying our park system together.

We have the Ann Morrison Park which was donated to the city by Harry Morrison, one of the founders of Morrison-Knudsen Construction Company.

South of the river we have the Boise State College, and we have 100 feet of the property on the south side of the river all along the Boise College.

On the other side from Boise College we have Julia Davis Park, which runs from the Capital Boulevard to Broadway, and so does the college.

We have a lot of the property on both sides of the river already. And what we are trying to do is tie all of this together with trails and, in some places, leaving the natural environment, not planning on landscaping, turfing or anything like that along the river, but just leaving it so people can enjoy the river -- fish, and walk, hike, and possibly bicycle trails -- but tying one end of the city to the other, all the parks together, mainly keeping development away from that water's edge.

It is something that is bridging the gap between the old downtown area and the bench areas up on these ledges that you see in the city.

The old downtown part of the city is rather level. From both sides of the river out, there is a slope to it, but no large changes for quite a ways. Then we have what we refer to as a bench, which is about a 30 foot rise; it is just about like the bank of a creek or a river. It levels off for about another mile, and then it is not quite as abrupt a rise.

Through the years, we have had along the Boise River the type of development that wasn't very good. The only slum area that we have is just across the river, between the river, between the railroad tracks and the river.

This is causing all these types of areas to be looked at, and investors have been picking up the property, planning all types of things facing toward the river and toward the parks. It has made quite a change in the planning of the City of Boise.

We also have an urban renewal area. By the time you next visit Boise, you will probably see some parts of the air conditioned shopping mall, a very modern shopping complex going in right in the area just east of the hotel here.

We have a lot of exciting things happening in this city, but one of the things that I can brag about more than anything else is the people. We have a very cooperative group of people to work with. I could find a few that I could find fault with if I wanted to, of course, just like you can in any group. It is like a little city I went through in Missouri a few years ago; I noticed the population sign out at the edge of the city which said, population 456 souls and a few old soreheads. You always have your opponents, but a very fine group of people to work with.

In fact, I might give you an illustration on just how cooperative they are. A few months ago about 3 o'clock in the morning I had a telephone call. At that hour of the morning, I am not exactly in the best shape to talk to anyone anyhow, because I get so tired that when I go to sleep I just die.

I reached over and picked up that telephone off the night stand and brought it over to my ear, and said hello in a sleepy sort of a way. Immediately, I recognized the voice on the other end of the phone as being the pastor of one of the larger churches here in the down town area.

He said, Mayor, this is Reverend so and so, and I thought, oh oh, what has happened now. He said I am sure sorry to bother you at this hour of the night. I said Reverend that is all right, I am glad to take the call. He said, oh yes, I know that you are always glad to take the calls and all of that, but I know it is an awful hour of the night and I am sure sorry about it. Of course, I was interested in finding out what he was calling me about, and I said, Now Reverend, just don't worry about that, what can I help you with? He said, Mayor, an old jackass walked the street out here in front of the church and laid down, right in the middle of the street, and died. Up until then I had been sort of trying to keep half asleep and half awake, but then I began to wake up. I thought how in the world can you answer a guy that calls you up in the middle of the

Appendix No. 5 -- continued

night to tell you something like that. It finally dawned on me -- I was trying to think -- here is the clergy, and there has been a death and burials, etc. I said, Reverend, I certainly appreciate your calling and telling me about this incident, but isn't it really your responsibility as part of the clergy to bury the dead. He hesitated for a minute and then said, Yes, Mayor, it is, and I will see that the old beast has proper care and proper burial, but it is also my responsibility to notify the next of kin.

Now if you can tell me how any more cooperative a neighborhood is, I would certainly like to hear about it.

But we do have a cooperative group of people here in the city, and it is growing; it is a very exciting thing to live with even though sometimes the problems get to be very immense.

I can assure you that I have full cooperation of all 75,000 of them this morning as I say to you, we are very glad to have you here, and we are glad to cooperate with you in every way possible to make your stay an enjoyable one and a profitable one.

By the way, along with that cooperation, the BLM, and the other Government agencies that work with our water front -- the Boise front -- has been tremendous. We have experienced a wonderful cooperation with them, a very enjoyable communication, and I want to thank them. Mr. Secretary and Mr. Director, you can take that report back -- your people here in Boise are wonderful to work with.

We are very happy to have you here this morning, and sorry we have to get you awake with such dry stories from me this morning, but it is a pleasure to be with you anyhow. Thank you.

NEW FEDERALISM AND THE PUBLIC LANDS

Statement of Harrison Loesch, Assistant Secretary -- Public Land Management, Department of the Interior, before the National Advisory Board Council, Boise, Idaho, October 4, 1971.

Thank you Gene, Burt, gentlemen, and friends.

I am, of course, awfully glad to be here. I was very very disappointed in not being able to make it to Yuma.

As you know, the meeting came at a kind of a tough time from the hearing standpoint and I got shot down to do some testimony on the Hill. I was more upset by that because I felt that the Department for some period of time had not really zeroed in with getting the benefit and use from the NABC that it should have done, and I felt very badly that after working to set it back on track from the department standpoint, I was unable to be present.

And, of course, I was very disappointed not to be personally present to take part in the research that went on down there and to accept in person my election as co-chairman of that research committee.

Now, to talk to you about what I am supposed to, instead of worrying about the research committee -- the theme of my short talk this morning is new federalism in the public lands.

I want to bring your attention to one of the most important concepts of President Nixon's Administration. This concept has been called "The New Federalism." It is a very important element to effective public land administration.

"New Federalism" contemplates a combination of the advantages of a strong central government with those of decentralization or home rule. To accomplish this we must modify radically, if not completely, the inflexible bureaucracy of centralization.

These goals do not lend themselves to instant achievement. Before they can be realized, it would be necessary to:

1. Reorganize and decentralize the functions of the Federal Government.
2. Provide for grants of financial aid to the States and local governments to enable them to take on a greater share of the job to be done.
3. "Humanize" government operations.

4. Establish national goals and policies, and
5. Initiate appropriate programs to effectuate all of these.

Now let's relate all of this specifically to your interests that bring you here -- the administration of the public lands.

Reorganization and Decentralization

President Nixon's plan for a Department of Natural Resources is one portion of the boldest, most farsighted proposal for Government reorganization advance to date. The President proposes to reorganize and streamline the maze of Federal departments and bureaus into a system that will be ready to meet the needs of the 1970's and beyond. It is based on a thorough examination of the relationships among all Government activities.

Under the President's plan only the Departments of State, Treasury, Defense, and Justice will continue as basic units of the Cabinet. All other Departments will be rearranged into four new Departments:

1. A Department of Human Resources to deal with the needs of people as individuals.
2. A Department of Community Development to deal with urban and rural community needs.
3. A Department of Economic Development to promote employment and business.
4. A Department of Natural Resources to deal with our environment and the preservation and use of natural resources.

In these Departments, a hodge-podge of specialized activities that have grown up over the years will be consolidated, harmonized, and streamlined. The need for this action is illustrated by a few statistics:

1. Nine Federal departments and twenty independent agencies are now operating education programs.
2. Seven departments and eight independent agencies are concerned with health.
3. Three departments develop water resources.
4. Four agencies in two departments are managing the bulk of the public lands.

5. Six agencies in three departments administer Federal recreation areas.
6. Seven agencies provide aid for water and sewer systems.

President Nixon summed up the situation in this way: "It is as if the various units of an attacking army were operating under a variety independent commands. When one part of the answer to a problem lies in one department and other parts lie in other departments, it is often impossible to bring the various parts together in a unified campaign to achieve a common goal."

The proposed Department of Natural Resources would include all bureaus and offices now in the Interior Department. It would also include the Forest Service and Soil Conservation Service now in the Department of Agriculture; the civil functions of the Army's Corps of Engineers; the National Oceanic and Atmospheric Administration now in the Commerce Department; and the Atomic Energy Commission's raw materials management and civilian nuclear development.

The functions transferred to the new department will be realigned into five Federal missions -- the management of:

1. Energy and minerals;
2. Land;
3. Water resources, both on-shore and off-shore;
4. Earth science;
5. Programs for the American Indians, the Alaska natives, and the peoples of the Trust Territories.

There is at present a large measure of decentralization in the agencies which will constitute the new Department. For example, the BLM is well decentralized, having a comprehensive system of delegation of authority, guidelines, and procedures. When all the agencies are put under one roof and field organizations and authorities are correlated, development and execution or coordinated programs will be more feasible and likely.

The second step I mentioned was financial aid. You probably have been following the public discussions of the President's general revenue sharing proposals. Special-purpose financial assistance is also part of the program. For example, the Department's National Land Use Policy bill, as well as Chairman Aspinall's H.R. 7211, contain provisions for financial aid for State and local land use planning. Another example is the recent legislation authorizing the Forest Service to cooperate, with money and manpower, in local law enforcement.

This advisory board is an example of the effect towards humanization of the Government, the third step I mentioned. By humanization, I mean making Governmental operations a people-to-people exercise, not people-against-bureaucracy. There are a lot of things we can do and are doing to this end. The Department has formally adopted the rule-making procedures of the Administrative Procedures Act. It has eliminated one level in the appeals procedures and separated the Departmental Appeals Board from other parts of the Department's organizational structure. It is now a separate office reporting to the Secretary. The Department's proposed Natural Resource Land Management Act emphasizes public participation and advisory boards. Our Environment Study Area program is reaching into schools to introduce young people to our land managers and to help them develop a respect for the public and private open lands. Without a positive spirit of cooperation by the public, efforts to protect the public lands and resources seem almost hopeless.

The job of establishing national goals for the public lands is a huge one. We'll have to go about it on a priority basis. Some of the priorities will be wished upon us, such as the establishment of a policy and program for wild horses and burros. The public took over on that one and caused the Congress to give the matter highest priority. Our own priorities represent and emphasize fundamental matters. One of the highest on the list has been our drive for an organic act for the BLM, which we introduced this summer as H.R. 10049 and Senate 2401. We managed to testify on it by sneaking it into the testimony on Chairman Aspinall's 7211 as an alternative. Now 7211, I thought, was a tremendous hearing, when that was called.

You know that in arriving at reports on a bill, especially a significant bill, you go through a process in which Office of Management and Budget acts as a clearing house for the comments of all of the departments. I am sure most of you are aware of this process. The comments on 7211 were remarkably similar from all of the departments, the Agriculture Department, the AEC, Defense, what else did we have, we had a bunch of them, and they all said something like this.

Mr. Chairman, the idea of 7211 is wonderful, it is a very fine bill. You go ahead and apply it to the others but leave us out of it!

Since we had been very anxious to have an organic act for BLM that would put it on some kind of a similar basis to the other agencies which have congressional statements of authority and mandates for management, we proposed 10049 and we managed to testify on it more than we did 7211 in the hearings. I must say that I received very good treatment considering the circumstances. Mr. Aspinall is liable to get pretty irascible when that kind of a situation arises, but he was very nice to me and I thought we received a really excellent reception. I am not naive enough to believe that they will pass our bill instead of 7211, but I hope the mix turns out well for us.

Another of our high priorities deals with the incorporation of the mineral laws into a multi-use context in some manner. You have been receiving information on those and I am sure that we will have further discussions this morning in the committee sessions about the mining matters.

That really concludes my talk. I do want to say a couple of things, just extraneous before I sit down, Gene and Bert.

First of all there will be this morning a schedule change, you will notice from your program that at 10:30 we were going to have a discussion of a new emphasis on grazing programs. This has been cancelled, we are not going to do that.

I think that it may have been unwise in thinking of surfacing this matter before the NABC anyway. I think it is more appropriate that we do so with the local grazing boards first, and that we intend to do in the very near future. I hope that having had the action from the grass roots, so to speak, that we will be prepared to discuss that with you next spring, February or March, whenever our next meeting is.

Secondly, I want to say that it has come to my attention that the Committee on restructuring the Council has come up with a report, and in some manner unknown to me advance knowledge of this report appeared to have leaked out to other members of the Council, and this has caused some considerable flack.

I also understand that the Chairman of the Committee has been receiving a certain amount of criticism for whatever his report contains.

I want to remind you all that the subject of restructuring the council was not voluntarily entered into by this Council. I twisted a few arms on that some time ago, and I want to tell you that the situation has not changed.

If the Council doesn't come up with recommendations acceptable to the Secretary on how it would like to restructure itself, I must, in candor, inform you that the Secretary is going to take steps to restructure the Council himself.

This has received quite a bit of attention, the question of the structuring of this Council by the Secretary personally, and by a couple of young sprouts we got in there on planning and one thing or another, that he places a great deal of confidence in, and I am sure that there will be movement in this area, whether we like it or not, in the fairly near future.

So I just want to bring to your attention the fact that while we can argue and should argue and should consider any plans that may be put before you for restructuring, I do not believe that it will be in the best interest of the Council to ignore the question. I think we need to look at it, I don't think we necessarily have to have any absolute decision at this time, I don't think it is that urgent, but I certainly wouldn't let it die.

This reminds me in some way of a story I heard just recently about the great advance in the medical scientific surgical procedures. You know they are getting where they transplant everything, and it seems that the question of transplanting brains had been explored for some time, the technique was perfected, and this one fellow decided he had to have a new brain, so he went and they prepared him over a number of days for the transplant, but they had to wait donors and by the time they had a suitable substitute brain he was unconscious and they had to take it up with the relatives. So the surgeons went to the relatives, ok, we got two donors, we got a man donor and a woman donor, and you can have whichever brain you like for your brother, and they said, what is the difference? Well, the man's brain is \$1,000.00 and the woman's brain is \$5,000.00. Well, this shocked the relatives quite a bit and they inquired why there was such a great disparity, and the surgeon said, well of course the man's brain has been used.

ON THE THRESHOLD

Statement of Burton W. Silcock, Director, Bureau of Land Management, to the National Advisory Board Council, Boise, Idaho, October 4, 1971.

Those of you that I have worked with know I have a high regard for sound advice that is constructively presented. You also know that because of my experience in BLM District and State Offices that I firmly believe in the advisory board concept.

I am from Idaho and graduated in Range Management from Utah State in 1947. My public service career started with the Soil Conservation Service in Texas. I joined BLM doing range surveys in Montana. I worked in Wyoming at Lander and as District Manager at Pinedale and Worland. I returned to Idaho where my work was in Range and Forestry at the State Office. My last assignment before going to Alaska as State Director was as Assistant State Director for Wyoming. As you may know, Alaska represents three-fifths of BLM's land, and as the recent State Director it seemed to me like it had many of the Bureau's greatest challenges. Now that the public land states and the people that depend upon them have been added to my responsibilities, I know I have to broaden my scope of understanding if the Bureau is to be truly responsive to the needs of all the people. I intend to do my level best to meet the challenges confronting the Bureau and its advisors.

As I said before, the advisory board concept is sound. Thus, I need your help -- I want your help, through your advice.

Every challenge we face, whether a problem or an opportunity, is complex. When I sit down with a group that is seeking action by BLM, I am always conscious that there are some empty chairs at the table. These are the chairs of others of the public who are not in on the particular issue, but who will be involved indirectly by the decision that may be made.

So you see, I attach special importance to the capacity of advisory boards to fill all the chairs of public attitudes. By doing so they can speak out with full diversity on how to make the wisest choice on the major issues we confront.

Because all choices -- all decisions -- affect the public interest, they attract public attention. The public knows how to use the power of the press, the legislatures, and the courts when BLM or the Department does not seem to meet all of the public's goals. If we take your advice and it proves to be incomplete, we soon hear from those who were not present or represented. To me, however, this is proof that our representative form of government is alive and well, because of our actions are debated and our decisions are the better for it.

I believe that change is a constant even though the principles of representative Government stand firm. For example, the Environmental Protection Act is now the law of the land. In applying the concepts of ecology to natural resource management programs, we are seeking a gradual and a natural evolution -- always forward -- never backward. To do this we must always consider the people and their needs.

Change, or even the threat of change, brings out the self-protective reactions of people. We all dislike sudden changes that disrupt us. We who have worked with natural resources and with people all of our lives know that this is true. But this is a changing world and we must change with it. If we are to make progress, we must accept -- even welcome -- change.

At times it seems that change is over-running us. This is because the growth of our population and the growth of our technology have increased demands upon our resources many times over. To meet the challenge of change we need to quicken our reaction time and to sharpen our insights. The modern application of the concepts of Federalism requires that we make decisions as close to the land as possible and that in the very beginning we make them wisely. This is our goal.

Since 1955 major steps have been taken to move operations closer to the field. State Offices were created. Land classification began to be more intensively applied and land use plans developed. During this period ninety percent of the range permits were adjudicated. Work began on range conditions and trend. A major effort was started then to conserve and improve rangeland. Aerial reseeding of rangeland was debated. Cooperative wildlife management efforts were discussed. A number of revisions of the Code of Federal Regulations for grazing was analyzed. And there were fears too. Some people questioned the decentralization and some the modest increase in grazing fees.

Then Secretary McKay informed the Board that he was "on record that the mining law should be revised and brought up-to-date." The Board passed a resolution citing the "promiscuous, ruinous, and unnecessarily destructive methods of mining uranium", its adverse impact on grazing, and called for regulation and law changes.

Since then we have made solid progress on many of these issues. Other issues which seemed less important than have grown so much that they now seem new. And some of today's issues are even newer.

We are on the threshold of significant change. The concept of a Department of Natural Resources have again come forward. It is an old idea, but the old fears have been largely reconciled by the realization that we need better ways to attain more efficient multiple use on the ground. This is what a Department of Natural Resources is all about.

This Board today is far different from what it was fifteen years ago. You are more broadly representative of all the public. Most of the time we meet together in the field where you can assess and advise on-the-ground issues. You have set up committees to look at topics with a greater depth and perception.

Let's look at where management of the public lands may be headed.

The public lands are a national resource with a new role in America's growth. Most of the public land suitable for individual development and ownership has gone into private stewardship. The remaining public lands truly belong to the people of this country and offer commodity use by permit and lease or license, plus many opportunities for non-commodity use.

The character of use, however, is changing. Grazing use, for example, was once primarily a single use. Livestock were simply turned out to graze. Now, through cooperatively developed allotment management plans, grazing benefits are being amplified into more pounds of meat per acre per month: better range cover and composition; and increased water, soil, and wildlife values. In addition, the pasture management concept permits the land manager and permittee to plan for the accommodation and adjustment of other uses such as minerals, timber, and outdoor recreation.

These things happen because of planning. Such plans are the action steps that implement fundamental land use planning and classification concepts that have been publicly and cooperatively developed.

Planned land use is the only way to go through the threshold and beyond. There are big differences when we compare planning today and tomorrow with the yesterday of twenty-five years ago when I started as a land use planner on the Missouri River. Today, people are asking if we have a plan. Then, people were asking why we needed a plan. Today, people are demanding that all impacts be weighed and genuinely considered.

Underneath the great public concern about our environment there is developing an understanding of what must be done about the situation. The public recognizes that land use planning is fundamental to decisions that are ecologically sound. I am glad that BLM has been a forerunner in its development and application.

The actions of the President -- his energy message, his implementation of the Environmental Quality Act, and his support for a strong National Land Use Policy Act -- all show that in concept and in fact we are moving ahead in planning for use and protection of our natural resources.

We are also making some progress in obtaining budgets to match the needs. This year, for example, Congress approved funds for a broad Alaska land use plan to study the best ways to develop and protect this vast area. Some things to be studied are: transportation systems, state land selection programs, mineral potential, upgrading our fire protection capability, and ways to strengthen our management of the wildlife and recreation resources. However, you and I know that more intensive management is needed if these lands are to meet the needs of a future America.

We are also on the threshold of a modern charter for public land management. The public and the Congress seem very receptive to the proposal that the Department has made for a Public Land Organic Act.

We have supplied you with the Department's bill and Secretary Loesch's testimony and with the bills of Congressman Aspinall, Congressman Saylor, and Senator Jackson.

There are differences among the proposals, but all of them proceed in the direction of revising the public land laws.

More support and modernized law, however, will not automatically provide better management. These are but tools. With competition and conflicts intensifying, they are vitally needed tools.

The very existence of land creates conflicts. My experience in Alaska has taught me this. To many people -- and to me, until I learned better -- Northern Alaska seems a frozen wasteland. I have been to the North Slope, and it is not an ecological desert. For example, much of the vital habitat of migratory waterfowl depends on Alaska's water and tundra.

When oil was found on the North Slope and development started, the approach was the same as elsewhere in the past. Heretofore, thousands of miles of pipeline have been installed in various areas with only the admonition to "bury it well, fix the fences, and close the gates." But now the public all over the country was concerned about various developments. Oil drilling offshore, transmission lines locations, a proposed power plant installation in South Carolina, methods of timber harvesting and mining, and the proposed Alaska Pipeline were all coming under active scrutiny. The pipeline in

particular aroused public interest, for it is a major undertaking with some unknown impacts on the environment -- primarily the permafrost. But unfortunately, overall planning on the North Slope has received little attention. The North Slope has become an area of major attention and public concern because of the times, and even more so because of the size of the proposed development.

I am convinced that even with the best of advance planning there would still be conflicts and differences to be resolved. But I am equally convinced that if our advance planning had been better in the past, we would be further ahead today in resolving conflicts, and the number of items in contention would be fewer. Cooperative planning helps us and the public to effect change better and to accept change more readily. This lessens the impact of change.

It is the greatest honor of my career to take on this new assignment. I seek your help and advice, as we stand together on the threshold of a new era, mindful of the fact that man is not yet at a point of peaceful co-existence with the land and its resources. But with modern statutory tools, with proper planning and funding, and most of all -- with a commitment to work together -- we can and we must harmonize our efforts with the needs of the land and the people.

So I will consider very carefully the advice you offer as we exchange views these next few days. I ask your help in crossing the threshold into better resource management for the public lands.

STATUS OF RECOMMENDATIONS ADOPTED BY THE COUNCIL AT YUMA, ARIZONA

Report of Irving Senzel, Assistant Director, Legislation and Plans, Bureau of Land Management, to the National Advisory Board Council, Boise, Idaho, October 4, 1971.

I just want to make a brief report on two matters that you have been dealing with. One is the status of the actions taken on the recommendations. Most of them, probably twenty-two out of the twenty-four, are really long term recommendations. It is going to take quite a bit of doing to accomplish many of them.

We will try to keep you advised from time to time how we are getting along respecting them.

As the situation stands right now a majority of the recommendations are trying to be implemented through three separate actions. One is what we call the Organic Act for the public lands, or the BLM Organic Act. The real name according to the Department's proposal is National Resource Land Management Act, but I suspect that it will be referred to as the Organic Act. We are talking about H.R. 10049 or S. 2401.

Another group of recommendations is really involved in the revision of the mining laws, and the third set of recommendations really is budgetary in form. We are trying to make some inroads in the appropriations situation in order to effect these -- to get some of these recommendations effected. We have already started by making presentations for increases for our 1973 budget.

We won't be free to discuss with you what the real outlook is until the President makes the decision about the budget. These are not the only things that he takes into consideration; he has many problem, some of which are the total financial situation of the Government.

I would like to run down very briefly, on the list that Jerry is now handing out to you, where we stand on each item. Although these are going to take time, it is very hard to give you a status report because things change so rapidly, often after a long wait though. So I would just like to bring you up to date a little better than this list indicates.

Item one is the Alaska Pipeline. That is tied up in all three branches of the Government, the Executive, the Legislative and Judicial.

On the Executive, the Department is proceeding with due deliberation in getting its work done as thoroughly and comprehensively as possible. They are working on the up dating of the stipulations that would be used if the pipeline is approved. The environmental statement is well along and it is in its final form, though there is still several items that had to be completed. On the Hill the chief legislative need is the means to take care of the native claims questions.

The events of the past few days indicate a real possibility for legislation of this form, maybe even within a month. Both committees are very actively seeking approval of their version, and the differences between the House and the Senate seem to be reconcilable. So that step towards a final decision on the pipeline seems to be coming up for near future solution.

Lying ahead after the legislation and the executive actions, of course, are the suits that are in the courts now relating to the interests of the natives and relating to the environment. What will happen there, of course, nobody knows.

Item two, Law Enforcement, is one of the things we are trying to take care of through the Organic Act. As both speakers this morning indicated the outlook for favorable action on the legislation for the public lands seems possible, maybe not in the session, but almost certainly in the second session of this Congress.

On the third items, Predatory Management, there is a good deal of activity of a cloudy nature as to what might happen. The Secretary has appointed a committee or commission to look into the economic and ecological phases of predator control. It is a rather high powered commission and would have a great deal of influence on the determination of final policies sphere.

One thing that we are experiencing is the growing opposition from at least some of the state Fish and Game Departments against certain aspects of predator control, chiefly the use of poisons. That may have an influence on it in the future.

On No. 4, Capital Investments, we have made some proposals for the 1973 budget, which improve our ability to put in capital improvements on the public lands when needed.

On No. 5, Off-Road Vehicles, there is a great deal of interest and there is a possibility of Congressional action here, too. The interest seems to be Federal, State, and local. I think it is being recognized for what it is, a potential calamity for our natural resources.

The Inter-Governmental Relations Committee is going to consider this question thoroughly and they have some recommendations for you there.

On No. 6, Abandoned Mine Shafts, there are three areas on which we are working. One, of course, would be the revision of the mining laws. The second would be for an increased funds for inventory and planning on the public lands, which would include identification of abandoned -- or location of abandoned mine shafts. Third, the California Desert Bill has been introduced in the Congress, and we are working on a report on that now. That includes a program for intensified inventory, which would include identification of hazards, including abandoned mining shafts.

On No. 7, Herbicides and Pesticides Use, we are now considering the possibility of a regulation for uses of these substances on the public lands. They, of course, will be sent to the district advisory boards and other advisory boards with a draft to work with.

No. 8, Additional Funds, Land Use Planning, I have covered.

No. 9, Organic Authority, I have covered.

No. 10, is a little separate crisis we had, that was brought up by Phil Harvey, the EPA's Environmental Regulations. We talked to them; apparently others may have too. They changed their proposal and took out parts of it.

No. 11, Abandoned Mining Claims, I have touched. We have no further information on the size of our problem, and nothing more to add.

No. 13, the action was taken.

On No. 14, the Conduct of Meetings, I will report in a couple of moments.

No. 15, Information to the Public, the I and E Committee is going to consider that further, and they have some recommendations to you there, to implement their own recommendations.

Nos. 16-17, The NABC Structure, you have been warned already something is going to happen.

No. 18, I have mentioned.

No. 19, asking for more funds for the inventory and planning, is covered by our budget. I think Burt mentioned the fact they got funds for the Northern Alaska land use planning project, which is, I think, an indication of a change in attitude toward planning. They are anxious that we do planning now instead of questioning whether we should do it at all.

No. 20, Recreation Fees. We sent you out the information we had, and the Committees may consider that further.

No. 21, Mining Claims, I have mentioned.

Nos. 22-23, I mentioned, except for the fact that there is a bill, a couple of bills, on the Hill dealing with an amendment of the Taylor Grazing Act, many features of the Taylor Grazing Act, including the fee provisions.

No reported progress has been made on the bill, and no reports have been made, I don't know what the Legislative Program is there.

No. 24, Access. We followed up the meeting at Yuma, by getting out instructions to the field to make sure that they include consideration of the problem of access in all their actions. Also, we have in the Organic Act provisions for enabling the Secretary, by acquisition, reservation, or other means, to provide for access on the public lands.

Unless you have any questions I will consider this the report on the follow up actions on your recommendations, except to say that we will continue to keep you informed and will add to the list, or our revised list, if any recommendations that come out of this meeting, and try to keep you up to date both on the progress and the background information on these questions.

COUNCIL PROCEDURES AND GUIDELINES

Report of Irving Senzel, Assistant Director, Legislation and Plans, Bureau of Land Management, to the National Advisory Board Council, Boise, Idaho, October 4, 1971.

We started writing procedures for the Council without a clear idea in mind while we were doing it, except that we ought to have some guidelines that would help the Chairman and others in conducting meetings, have some general rules to help us to keep the meetings progressing in accordance with the agenda, but still allow a great deal of flexibility.

In writing the procedures, we tried to emphasize that this was your advisory board, that is advising the Secretary and the Director, and we want to give as much of the control over the meetings as possible to the Board itself, or its officers, reserving only those kinds of controls that we had to reserve because of the Executive Order rules over all advisory boards.

We sent the draft procedures to everybody on the Council and asked for their recommendations; quite a few of the members did review them and send in comments. I am sure that all reviewed them, but not feeling that they had any particular comments they wanted to make, they didn't write to us about it.

We have gone through all the comments, and tried to adopt as many as possible. We think we have put into them -- these revised sheets that you have here now -- all those that are consistent with the few general remarks I made first. We didn't adopt others merely because of the fact that they seemed to request a more formalized procedure than we had in mind at the present time. We didn't put in others because we thought that they conflicted with the requirements of the Executive Order. Not putting in any doesn't mean that we dropped them.

What we would like for you to do is again look over these procedures and see if you have any comments to make on them. For any of the suggestions that were not adopted, we tried to follow the general principle of these procedures -- questions that need discussion should go through committees before being considered by the Council as a whole.

It is not my purpose to contend that the 1872 law should be left intact -- that is cannot be improved. But certainly a system or law that has served the nation and the people so effectively for so long should not be discarded lightly or in haste.

Less than a year ago it was established as national policy by Congress and the President that it is in the national interest to foster and encourage private enterprise in the development of an economically sound and stable domestic mining industry, and in the orderly and economic development of domestic mineral resources. I emphasize the reference to private enterprise.

Only a few months earlier the Public Land Law Review Commission had concluded, after several years of intensive study that the federal government generally should rely on the private sector for mineral exploration, development and production by maintaining a continuing invitation to explore for and develop minerals in the public lands. Again I emphasize the reference to the private sector.

Now, if the mining industry -- the private sector -- is to implement this policy and serve its expected role in providing the mineral raw materials essential to our nation's economic security and political independence, what does it need in a mining law?

Well, first of all, it needs the continuing invitation to explore, as the Public Land Law Review Commission so pointedly recognized. It needs a strong incentive to undertake the hard work, high risk and high cost of searching for and locating nature's relatively rare and randomly distributed deposits of valuable minerals. That incentive has historically been the rights of discovery -- the rights of the locator to acquire, to mine and to market the new mineral materials that were disclosed through his efforts.

Secondly, the mining industry needs a law that assures freedom to enter upon the public lands to explore for minerals. It is widely recognized that the public land areas of the west generally hold greater promise of future mineral discoveries than any other region of the country. For this reason and because of the vital relationship between our national welfare and assured supplies of minerals, the Public Land Law Review Commission took the position that no public lands should ever be withdrawn from mineral activity casually -- or without adequate information about their mineral potential. Freedom to enter upon and explore public lands for minerals does not mean a license to disregard or wantonly damage or destroy other resource values thereon, but it must mean that, in the absence of an over-riding national interest, the prospector -- whether individual or exploration team -- have the unrestricted right to select his

exploration targets and utilize the tools and techniques that modern technology provides to conduct his search as the circumstances of topography and geology dictate, so long as he does so without unreasonable and irreparable damage to the surface resources of the area.

Thirdly the mining industry needs a law that guarantees security of tenure. The rights to a discovery of valuable minerals must not be subject to the vagaries and whims of administrative discretion.

These three elements -- incentive, freedom of access and security of tenure -- are all basic concepts of the present law and they must be retained if the private sector is to continue to play its expected role in sustaining a sound and stable domestic mining industry.

That is the sincere conviction of the mining industry.

We are well aware that many features of the present law could be improved by change. The need for such changes has long been recognized by the industry and many have been recommended by it. More than 15 years ago our industry was in the forefront in urging and supporting enactment of the Multiple-Use Law which restricted claim holders in their use of surface resources on unpatented claims.

We have also proposed that location and recording procedures and assessment work requirements be revised and up-dated to clear the public lands of abandoned claims and to provide greater protection against attempts to use the mining law to acquire property rights for non-mining purposes. Restriction of patents to mining use is not opposed by the industry. Nor does it oppose requirements for reasonable reclamation of land surfaces disturbed by mineral exploration or mining activity.

The mining industry cannot agree, however, with those critics of present law who charge that it is an infamous "give-away" -- a license to steal valuable national assets for the benefit of a few at the expense of the general public. This charge is usually coupled with a demand that the public be compensated through payment of fair market value to the federal government for the minerals produced and sold, presumably through the imposition of some kind of royalty charge.

In the first place, as the mining industry sees it, any individual who devotes months and years of time, effort and personal funds, or any company that spends hundreds of thousands -- even millions -- of dollars in the search for new ore deposits can hardly be accused of getting something for nothing through the rights of discovery when the prospector or company finds one.

Secondly, unlike a forest of trees or a meadow of grass, a mineral deposit has no value whatsoever to anyone as long as its existence remains unknown. Only discovery gives it value and the discoverer has a right, in equity, to that value because it was created by his efforts alone -- just as the creator of a new process or product has a right to the benefits of his invention.

Thirdly, the extraction of a new mineral deposit does not benefit just the owners, whether individuals or the stockholders in a major mining company. In fact, the owners are among minor beneficiaries from a mining operation. No mineral deposit will be mined at all unless there is a market for the products at prices that will return at least the cost of production, the recovery of capital investment and a reasonable profit on that investment. Good mining practice dictates that the ore deposit be mined to the lowest possible cut-off grade to sustain that amount of return.

If the requirements of our economy, which reflect the public demand for consumer products, are sufficient to justify extraction of a new discovery, the direct beneficiaries of the operation include not only all of those involved in the mining and processing of the raw ore but everyone who is involved in the transportation, refining, manufacturing, and sales of the various intermediate products which finally end up as an item for consumer use. Even the consumer may not be the final beneficiary because many metal products are recycled through new processes for use in new products. It is no exaggeration to say that the discovery and utilization of a new mineral deposit, in providing the basic sinews of our economy, is a benefit to everyone either directly or indirectly.

One of the chief beneficiaries of a new mining operation, in terms of total compensation, is the federal government, because it skims off in taxes a proportion of the value added at every state in the utilization of the new mineral supply, from extraction of the ore through final sale of the consumer product -- and recycling.

Since this is the case, it might prove to be penny-wise and pound foolish to impose a royalty which would serve no purpose but to add an arbitrary and fixed cost of operation which raises the cut-off grade. In mining parlance that grade is the minimum mineral content that can be extracted economically. Such a royalty charge would simply convert to waste lower grade material which could otherwise be extracted and put to beneficial use. We regard this as the antithesis of good conservation.

WHAT THE GENERAL PUBLIC NEEDS IN A MINING LAW

For the past few minutes I have been talking about what the mining industry does not need in a mining law rather than what it needs, but in the context of today's topic of discussion, I feel compelled to try to dispel the popular misconception that the mining industry exploits the public for the benefit of a few. That is pure hogwash!

To sum up briefly, what the mining industry needs in a mining law is adequate incentive to explore, freedom of access to exploration targets on public lands and security of tenure in its rights of discovery. It's a tested and proven formula that offers the greatest promise of sustaining a sound and stable mining industry in this country under private enterprise.

This has now completely changed in the intervening 100 years. We no longer have any comparable rationale. The 1872 mining law was as motivated as the horse and buggy for national transportation systems. And particularly at the basic point of permitting free license for claiming and exploring the public lands, the public should be able to claim and explore the land and use them under discretion.

On the fundamental concepts of ownership there can be found no real justification for such continued practices. Where else is there example where any one can take the land of another for his own use without compensation? There is no longer any rationale for national policy that gave the people's lands away within the philosophy of the 1872 mining law, and this would be true even without modern environmental considerations within the context of the Environmental Policy Act of 1969.

Then what kind of mining law do we need? We know that mining has to continue to sustain the needs of people, but the idea that such needs should be met by mining industry having first priority to our public lands is absolutely wrong. For sure the old presumption that mining produces no damage is no longer valid and such presumptions are rebuttable.

The evidence to reject the fallacious presumption is to be found in proper value judgments as to what is the best public use for the people's land now and in the future. And these value judgments should be a governmental function and responsibility. The environmental agencies are really trustees for the people in the administration of their land.

WHAT THE GENERAL PUBLIC NEEDS IN A MINING LAW

Statement of Bruce Bowler, Attorney-at-Law, to the National Advisory Board Council, Boise, Idaho, October 4, 1971

This is privileged opportunity to talk with you about what the general public needs in mining law. First we must recognize that the legal and equitable owners of the public lands involved are the people of this nation.

In 1872 when the basic mining laws were passed by Congress we were in the early stages of development with rationale for incentive for people to explore the public lands to discover minerals that could be utilized for general as well as individual economy. We then had such an abundance of public wilderness type lands considered of little value, that Congress deemed wise the inducement of free availability even unto title for those who would prospect these lands for mineral production.

This has now completely changed in the intervening 100 years. No longer is there any comparable rationale. The 1872 mining laws are as outmoded as the horse and buggy for national transportation systems. And particularly at the basic point of permitting free license for claiming for exploration and mining the public lands at the options of those who would use them under individual discretions.

On the fundamental concepts of ownership there can be found now no sound justification for such continued practices. Where else is there example where any one can take the lands of another for his own use without consideration? There is no longer any occasion for national policy that gives the peoples' lands away within the philosophy of the 1872 mining laws, and this would be true even without modern environmental considerations within the context of the Environmental Policy Act of 1969.

Then what kind of mining law do we need? We know that mining has to continue to sustain bona fide needs of people, but the idea that such needs should be met by mining industry having first priority to our public lands is absolutely wrong. For sure the old presumption that if mining produces an economy it is per se good no longer has validity and such presumptions are rebuttable.

The evidence to rebut the fallacious presumptions is to be found in proper value judgments on what is the best public use for the peoples' land now and in the future. And these value judgments should be a governmental function and responsibility. The governmental agencies are really trustees for the people in the administration of their land

which should be administered in the highest trust traditions of the fiduciary doing what is best for the beneficiary, and the beneficiaries are by law the total people and not the mining industries. And all situations must meet this trustee test or the administration of the land is not within the fundamental law.

While it is my opinion that where this trust criteria is not met in public land administration the law of equity is available to protect the interests of the public even to abrogation of the 1872 mining statutes where their applications violate the trust equity. However there is such ordinary administrative worship of statutory law that it is difficult to get administrative agency to function under the higher equity doctrine resulting in severe losses to the public owners. Hence it behooves us to proceed to get some new statutes to supersede and repeal the 1872 mining laws so national policy can be more clearly expressed in statutory law, and further it makes easier pattern to follow for administration.

In this respect the best lead has now been expressed by H.R. 9911 entitled the "Public Domain Lands Organic Act of 1971", which provides for the management, conservation, development and use of the public lands, and to clarify the national policy, and to repeal and replace obsolete and conflicting laws. This bill was introduced on July 20, 1971, and has some similarity to Senate Bill 921 introduced on February 22, 1971. The House Bill which has been referred to the House Committee on Interior and Insular Affairs has not yet been scheduled for hearings and probably won't be this first session of the 92nd Congress.

This H.R. 9911 is the mining law the general public needs. Although the Public Land Law Review Commission failed to develop good policy for mining law change it did set the stage for reform in new direction. The theory of dominant interest rather than dominant use is the thrust of H.R. 9911 that being the public interest which should always be foremost in the objectives and methodology of the public lands administrators. As major needed reform is the repeal of the 1872 mining Law, and its replacement with mineral leasing system similar to that which has applied to petroleum and phosphates for some 50 years.

It is really quite absurd that the hard rock mining industry has so many rights to the public domain than the petroleum, phosphate, and related industries. You will recall that before our great Interior Secretary Udall left office he recommended to the Congress a new law that would put lode mining under administrative lease system. This is the best and quickest way to go by codifying the public equity in the lands on which all minerals are to be developed from the public domain.

S. 921 has been the subject of hearings in late September before the Senate Committee on Interior and Insular Affairs, and this bill also carries many of the public needs in a mining law. Title II of this bill would establish the "Federal Hardrock Mineral Leasing Act of 1971", under the administrative jurisdiction of the Secretary of the Interior with management tools needed to protect the land resource and also insure that needed minerals are developed but the right times and places, and not at the whims and economics of developers and promoters. This act is also to insure individual or small mining operations to have fair opportunity for access and development, all which are to be under a supervised permit system of administrative agency of the federal government. Prospector permits are to be issued to qualified applicants, who, if they make valid discovery would be entitled to preferential lease. States would be entitled to 37.5% of leasing revenues.

H.R. 9911 provides for in lieu of taxes 25% of the lease revenue for the states for county distribution where the lands are located, or an amount equal to that tax which would be levied on the public lands in each county if such lands were on the tax rolls. It would give basis to deny lease when the exploration and development would cause loss of land values from soil erosion, scenic defacement, watershed destruction and fisheries and wildlife damages that would outweigh the values of commercial production. Could the owners of the land as beneficiaries of the administrative trust be expected to require less? It is legalistically unbelievable the powers and rights that mining explorers and producers seem to feel they have over the public lands under these ancient mining laws. These old laws literally make no sense today.

Unfortunately our need for new laws cannot safely await the legislative process which will likely be long, so addressing ourselves to the imperative need now we have to ask can the law of equity save our mineralized environment before it becomes too late? And the answer to this is yes. It may be a bigger job but the people are not without lawful remedy, and the Courts are regularly sustaining the rights of the people in their lands under the equitable trust principals in land administration. Any law as bad as the 1872 Mining Law is now invalid in the equity arm of our courts. Our prime quality environment does not need to be irreparably lost because of such outmoded statutes or case decisions under them. Administrative law in equity must take over in the interim.

National minerals policy for the public's lands should no longer exist within frame work for support of an economy when the nations need for the minerals to be mined are not paramount. Environment problems should first be explored and evaluated before national policy permits the mining process. This of course contrasts sharply with the current method of claim, hold, work and patent for those who take the public

lands under mineral entry. It must be noted that indications are that most future mining lends itself to the open pit method where large machinery can be used in mechanized process. This is bound to be devastating to the surface land values with large volumes of materials being worked with high impact on watershed and dependant ecology. If the minerals are important enough to be mined they must sustain the costs of environmental integrity during the process and post rehabilitation, and less than this cannot be legitimate mining operation.

These are the protective factors to be applied to the public trust corpus, and H.R. 9911 is designed to accomplish such objectives. The leasing principle is sorely needed in the public interest with governmental agency representing the people in negotiations so that fair consideration for use of their lands can become part of the value judgment decisions when weighed against the environmental impairments of value to the public. What legitimate miner could fairly ask more?

MINUTES OF MEETING OF COMMITTEE TO STUDY THE STRUCTURE OF THE
NATIONAL ADVISORY BOARD COUNCIL, RENO, NEVADA - 9/17/71

The meeting was called to order at 9:00 by Brunel Christensen, Chairman. Committee members present were Roy Young, Clarence Quinlan, Mark Wagner, Henry Gerber, Ted Lee, and co-chairman Nolan Keil.

A short discussion by the Chairman on the history of the National Advisory Board Council was presented. Each member was asked to identify the basic position he held as to the function, composition, and the size of the Council. The Chairman indicated he had long been an advocate of a multiple-use board. He was particularly concerned about the number of the board and felt that the number had to be restructured in order to have a working board.

Mark Wagner indicated he felt there was a need to review the boards from the district level on up through the state and national level, and that if the board itself did not make this review, it would be forced upon it.

Henry Gerber indicated he felt the first order of business should be toward adjusting or making recommendation to adjust the advisory board at the local level. He recognized this was a statutory matter, but that the Secretary would not listen to a board unless he felt it was representative of the interests or problems at hand.

Roy Young said he was concerned with several Bills before the National Congress at this time that would repeal or modify Section 18 of the Taylor Grazing Act that set up advisory boards.

Clarence Quinlan indicated he was reluctant to ask for a change of boards at this time, yet he recognized that most local concern at the advisory board meetings was with grazing problems.

Ted Lee felt that a vocal minority were often able to influence appointments of the various "other" representatives and he felt that some way to elect these representative would be better. He also felt that livestock people probably should be more heavily represented on the board because they are closer to the ground and the problems oftentimes than even the Bureau of Land Management administrators. He further said he was reluctant to change the local board set up.

Brunel Christensen reminded the committee that they were basically concerned with the National Advisory Board structure.

Appendix No. 12
(cont.)

Considerable discussion then followed as to the size of the board, composition of the board, and nomenclature of the board livestock representatives -- should they be called sheepmen, cattlemen, livestock representatives, or unclassified livestock representatives.

Question of whether an unclassified representative on the local board could be elected to serve as a sheepmen or cattlemen on the state board was presented. In some instances, the opinion was that this was possible and is being done, for example in Oregon. In other instances, the feeling was that the Bureau was not allowing the unclassified member to be elected to the state board and therefore, of course, not to the national board.

The size of the board was discussed briefly -- the existing 42-man membership and a modified 35-man membership. Additional numbers were considered, but the feeling was generally that the present number or fewer should be the goal; otherwise, the board is unworkable and would probably cease to function all together.

A motion was made by Mark Wagner to limit membership in the National Advisory Board Council to ten from the livestock industry, ten from wildlife interests, one representative from Alaska, one representative from the State of Washington, and thirteen "others" for a total of thirty-five. The motion died for lack of a second.

Roy Young made a motion that the National Advisory Board Council be composed as follows: Ten livestock, six wildlife, one representative from the State of Washington, one representative from Alaska, and seventeen "others" for a total of thirty-five. Motion seconded by Clarence Quinlan. Voted on by a show of hands as follows: Against the motion - Mark Wagner; Favoring the motion - Henry Gerber, Roy Young, Ted Lee, Brunel Christensen, and Clarence Quinlan.

Following further discussion, a motion was made by Roy Young to identify the seventeen "others" as follows:

| | |
|---|---|
| Mining | 2 |
| Forestry | 2 |
| Leasable Minerals (oil & gas, coal, ect.) | 2 |
| Recreation | 2 |
| Urban & Suburban including Real Estate | |
| Development | 3 |
| Environmental Quality | 2 |
| Public Information | 1 |
| County Government | 1 |
| State Government | 1 |
| Soil and Water Conservation | 1 |
| Public Utilities | 1 |

Seconded by Ted Lee and carried unanimously.

MINUTE ASSIGNMENTS FOR THE OCTOBER MEETING

Clarence Quinlan made a motion that the committee not make any recommendations to the National Advisory Board regarding the structure of the district advisory boards. Ted Lee seconded the motion. Passed unanimously.

Their being no further business to come before the committee, Chairman Christensen adjourned the meeting at 11:30 a.m.

I certify that I attended the proceedings of the Committee to Study the Structure of the National Advisory Board Council herein reported, and that these minutes are an accurate summary account of the matters discussed and the conclusions reached.

Nolan F. Keil
State Director, Nevada
Co-chairman

COMMITTEE ASSIGNMENTS FOR THE OCTOBER MEETING1. Environmental Protection

Conn. Oregon
 Doyle California
 Christensen . . . California
 Kortess Wyoming
 Sorenson Nevada
 Echeverria Arizona
 Cline. Colorado
 Wilbur Alaska

2. Public Land Users

Gaensslen. Wyoming
 Wagner Colorado
 Gerber Oregon
 Young Nevada
 Brailsford Idaho
 Flournoy California
 Lesourd Washington
 Gemmill. Nevada

3. Resource Management

Baum Oregon
 Lynam Montana
 Levy. Arizona
 Horn Colorado
 Gardner. Utah
 Wendt. Oregon
 Philp. Wyoming
 Moon. Montana
 Webster. Wyoming

4. Information and Education

Gross New Mexico
 Merkley Utah
 Lee Arizona
 Patrick. Idaho
 Theos. Colorado
 Holland. Montana
 Brady. Idaho
 Anderson. Utah

5. Intergovernmental Affairs

McDevitt Idaho

Hoskins. Nevada

Harvey. New Mexico

Johnson. Utah

Quinlan. New Mexico

Rea. Oregon

Rostvold. California

Kreft. Arizona

Note: The Program Committee recommended against change in Committee assignments merely because of a member's interest in a particular subject. It recommend a liberal policy of members sitting in on Committee discussions of interest to them.

July 9, 1971

RECOMMENDATIONS OF THE NATIONAL ADVISORY BOARD COUNCIL
ADOPTED AT BOISE, IDAHO
October 5, 1971

1. LAND USE PLANNING -- Recognizing public domain lands occur in a great variety of concentrations from small scattered isolated areas to larger areas of relatively consolidated patterns and resource potentials, we recommend that priority be directed toward unit analysis and planning to determine the value before making public lands available for land sales or exchanges, and then, on the basis of mutual benefit to the land users, the general public, the county, the state, and the government.
2. PREDATOR MANAGEMENT -- We restate our resolution from the Yuma meeting, which approved the plan of the Fish and Wildlife Service to control predators, which was adopted in the April 1967 meeting, and asks of the Department of the Interior supporting funds to implement this program.
3. PREDATOR MANAGEMENT -- That the Bureau appropriate funds for the research methods of using repellents and other methods for control of predators.
4. PREDATOR MANAGEMENT -- That the BLM District Managers gather documented information on predator losses in their districts.
5. COMMENDATION OF GUS HORMAY -- The National Advisory Board Council commends Dr. August L. Hormay for the work and study he has performed in connection with range management.
6. WILDLIFE HABITAT MANAGEMENT -- That the Bureau of Land Management continue to cooperate with the various state game and fish commissions in the program of spraying, primarily in connection with sage grouse habitat.
7. WILDLIFE HABITAT MANAGEMENT -- In consideration of big game summer and winter range requirements, we recommend that the Bureau of Land Management and state game and fish commission, in cooperation with private owners, work together to establish and extensive management plan to satisfy summer and winter range.
8. COUNCIL PROCEDURES -- If there is a problem involving endangered species (or any other matter) on which the BLM wants advice, it is requested that they furnish the information gained through their investigations to the Board in ample time to be considered.

9. WILDLIFE -- That adequate crossings for wildlife or livestock be provided in the construction of any projects, including state and federal highways, on lands administered by the Bureau of Land Management.

10. SPRAYING-PUBLIC PARTICIPATION -- In the public meetings that are held relative to development of management framework plans, . . . that areas to be sprayed by one of the items on the agenda.

11. DISTRICT ADVISORY BOARDS -- The NABC go on record as being opposed to that part of any legislation that has to do with the repeal of section 18 of the Taylor Act.

12. NATIONAL RESOURCE LANDS MANAGEMENT ACT -- Full endorsement and support of the Organic Act for the Bureau of Land Management and for its expeditious passage. The NABC pledges itself to assist in whatever way possible.

13. PUBLIC INFORMATION: TOURS -- That the District and State Advisory Boards consider the opportunities presented by inviting the representatives of environmental and ecology groups, civic leaders, and members of the news media to participate in tours to educate them to the benefits of multiple use management on public lands and the impact of public demands on the public lands.

14. MANAGEMENT GOALS: WHITE PAPER -- Preparation of a White Paper which would set forth the goals for the best possible management of the public lands. Such a White Paper would be developed and presented for the consideration of the NABC at its spring meeting.

15. PUBLIC LANDS CONFERENCE -- That a national conference be held in connection with the next meeting of the NABC. A conference of this type would focus public attention on the management of the public lands. It would involve presentations of key leaders in the Department, traditional user organizations of the public lands, the NABC members, Congress and conservation leaders.

16. OFF-ROAD VEHICLES -- Discussions indicate off-road vehicles use is increasing rapidly and becoming more complex. On the other hand, local, state, and federal legislation is far from adequate. States are taking some remedial action, but more rapid progress is desirable. The NABC recommends that the Department of the Interior actively promote remedial local, state, and federal legislation with the objective of as much uniformity as practical under the particular conditions.

17. USER FEES -- That we as a Council request the Department or the Bureau to furnish us with the BOR Fee Study so that we might consider it and possibly make recommendations as a result of the study.

18. MINING AND OTHER REHABILITATION -- The National Advisory Board Council recommends that the Department of the Interior request the state boards to form committees to study the problems of and the solutions to minerals or other development rehabilitation, using members of the NABC, industry representatives, and others with appropriate expertise. The objectives would be to develop federal-state guidelines applicable in each situation.

19. COMMITTEE PROCEDURES -- That the various standing committees utilize, on an experimental basis, agenda sub-committee to prepare committee agenda for the spring of 1972 NABC meeting.

20. COMMENDATION OF BOISE PRESENTATION TEAM -- Members of the National Advisory Board Council wish to commend the Idaho BLM office, the Boise BLM District office, the BLM Boise Interagency Fire Center, the U.S. Forest Service, the Ada County Council of Government, the Idaho Fish and Game Commission, and the private land owners of the Boise front for the excellent field trip and the fire fighting demonstration on Sunday, October 3, 1971.

21. COMPOSITION OF THE COUNCIL -- That the National Advisory Board Council today unanimously reaffirm its position, that restructuring of the Council must be effected in order to accommodate the new demands on the public lands, to implement the multiple use principle, to achieve a more balanced representation of the economic, the public use, and the resource management groups who must now be directly and formally involved in developing public land use policies consistent with the problems and the realities of the 1970's, and in view of the fact that alternative proposals have been presented to the National Advisory Board Council at the Boise meeting, and in view of the complexities associated with a balanced and equitable restructuring of the National Advisory Board Council and the need to realize deliberate and timely consideration of the alternatives which have been presented to the Secretary of the Interior, within the framework of the classic and spirit of the advisory council concept, it is hereby moved that the several alternative proposals, with respect to the modernization of the composition of the NABC be transmitted to the Secretary of the Interior with the unequivocal understanding that the NABC will take definitive action in its March 1972 meeting concerning the reconstituted NABC reflecting balanced representation of the economic, the public user, and the resource management interests who must now be represented on the Council.

(cont.)

22. ENDANGERED SPECIES, HABITAT -- Recognizing the importance of protecting the habitat of endangered species, request that the Bureau of Land Management accelerate their inventory of the habitat of these animals as they may exist on public lands.

NOTE: Recommendation No. 22 appears out of sequence of adoption, having been inadvertently omitted from the original manuscript. No. 22 was actually adopted immediately following the adoption of Recommendation No. 8 above.

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